

FILE NUMBER: Z212-313(RM) **DATE FILED:** August 3, 2022

LOCATION: Southeast corner of South Malcolm X Boulevard and Birmingham Avenue

COUNCIL DISTRICT: 7

SIZE OF REQUEST: Approx. 0.29 acre **CENSUS TRACT:** 0203.00

OWNER/APPLICANT: Adina Starke, The Enchantment Group LLC

REQUEST: An application for the renewal of Specific Use Permit No. 2389 for a commercial amusement (inside) on property zoned a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

SUMMARY: The purpose of the request is to continue the use of the property as a commercial amusement (inside). [Enchantment Studios]

CPC RECOMMENDATION: **Approval** for a three-year period, subject to revised conditions.

STAFF RECOMMENDATION: **Approval** for a three-year period, subject to revised conditions.

PD No. 595:

<https://dallascityhall.com/departments/city-attorney/pages/articles-data.aspx?pd=595>

BACKGROUND INFORMATION:

- The area of request is currently zoned a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District. The property is currently developed with a personal service use.
- On August 12, 2020, City Council approved a zoning change from an NC Neighborhood Commercial Subdistrict to a CC Subdistrict within PD No. 595 on the property. This zoning change allowed a commercial amusement (inside) to be permitted on the property, subject to a Specific Use Permit.
- At this time, City Council also approved Specific Use Permit No. 2389 for a commercial amusement (inside) for a two-year period. This SUP does not permit an adult arcade, adult cabaret, adult theater, billiard hall, bowling alley, motor track, or skating rink. SUP No. 2389 expired on August 12, 2022.
- With this case, the applicant requests the renewal of SUP No. 2389 to continue to permit commercial amusement (inside) by SUP on the property.
- The applicant does not propose any changes to the existing conditions, with the exception of the time limit. Rather than another two-year period, they request to increase the time period to three years.
- Additionally, the applicant does not propose any changes to the existing site plan of SUP No. 2389.

Zoning History:

There has been one zoning case in the area in the last five years.

1. **Z190-140:** On August 12, 2020 City Council approved 1) a CC Community Commercial Subdistrict; and 2) Specific Use Permit No. 2389 for a commercial amusement (inside) on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District at the east corner of South Malcolm X Boulevard and Birmingham Avenue. [Subject Site]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing/Proposed ROW
South Malcolm X Boulevard	Community Collector	60 feet
Birmingham Avenue	Local Street	-

Traffic:

The Transportation Development Services Division of the Transportation Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006 and outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.2 Focus on Southern Sector development opportunities.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

Land Use:

	Zoning	Land Use
Site	CC Subdistrict within PD No. 595 with SUP No. 2389 for a commercial amusement (inside)	Commercial amusement (inside)
Northwest	NC Subdistrict within PD No. 595	Personal service use, single family
Northeast	R-5(A) Subdistrict within PD No. 595	Single family
Southeast	R-5(A) Subdistrict within PD No. 595 with H/100 Wheatley Place Historic District Overlay	Vacant
Southwest	NC Subdistrict within PD No. 595	Personal service use, restaurant without drive-in or drive-through service

Land Use Compatibility:

The area of request abuts single family to the northeast and northwest. Also to the northwest is a personal service use. Southwest are personal service and restaurant without drive-in or drive-through uses. To the southeast is a vacant structure. Staff finds the applicant's use of the site as a commercial amusement (inside) to be compatible with surrounding uses in the area.

The purpose of the request is to continue to allow for an event center for small gatherings including baby showers, bridal showers, birthday parties, retirement parties, graduation celebrations, dinner parties, business meetings, training classes, and community events. No additions or enlargements are proposed.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

Staff supports the applicant's request to renew the SUP because the continued use of the site as a commercial amusement (inside) does not appear to have an adverse impact on surrounding uses in the area. The applicant has not had an opportunity to improve the site in conformance with the existing SUP site plan. However, staff supports the requested time limit of three years without eligibility for automatic renewal because it will grant them the opportunity to make the needed site improvements while still requiring a regular renewal of the SUP in the near future.

Landscaping:

Landscaping will be provided in accordance with the landscaping requirements in PD No. 595 and in Article X, as amended.

Parking:

Per the Dallas Development Code, the commercial amusement (inside) use is parked at a minimum of one parking space per 100 square feet of floor area. If an SUP is required for the use, the off-street parking requirements may be established in the ordinance granting the SUP. The building is 1,566 square feet; therefore, a minimum of 16 parking spaces are required.

As depicted on the existing site plan, a total of 16 off-street parking spaces will be provided on site with an additional two spaces for bicycles.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets (A through C) to orange, representing the weakest markets (G through I). The area of request is not currently within an MVA cluster. To the northeast and southwest are "G" MVA clusters. To the east and south are "I" MVA clusters.

List of Officers

The Enchantment Group LLC

Adina Starke, Owner

Axel Starke, Owner

CPC Action
January 19, 2023

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2389 for a commercial amusement (inside) for a three-year period, subject to revised conditions on property zoned a CC Community Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, at the southeast corner of South Malcolm X Boulevard and Birmingham Avenue.

Maker: Wheeler-Reagan
Second: Rubin
Result: Carried: 14 to 0

For: 14 - Popken, Hampton, Anderson, Shidid,
Carpenter, Wheeler-Reagan, Blair, Jung,
Housewright*, Treadway, Haqq, Stanard,
Kingston, Rubin

Against: 0
Absent: 0
Vacancy: 1 - District 3

*out of the room, shown voting in favor

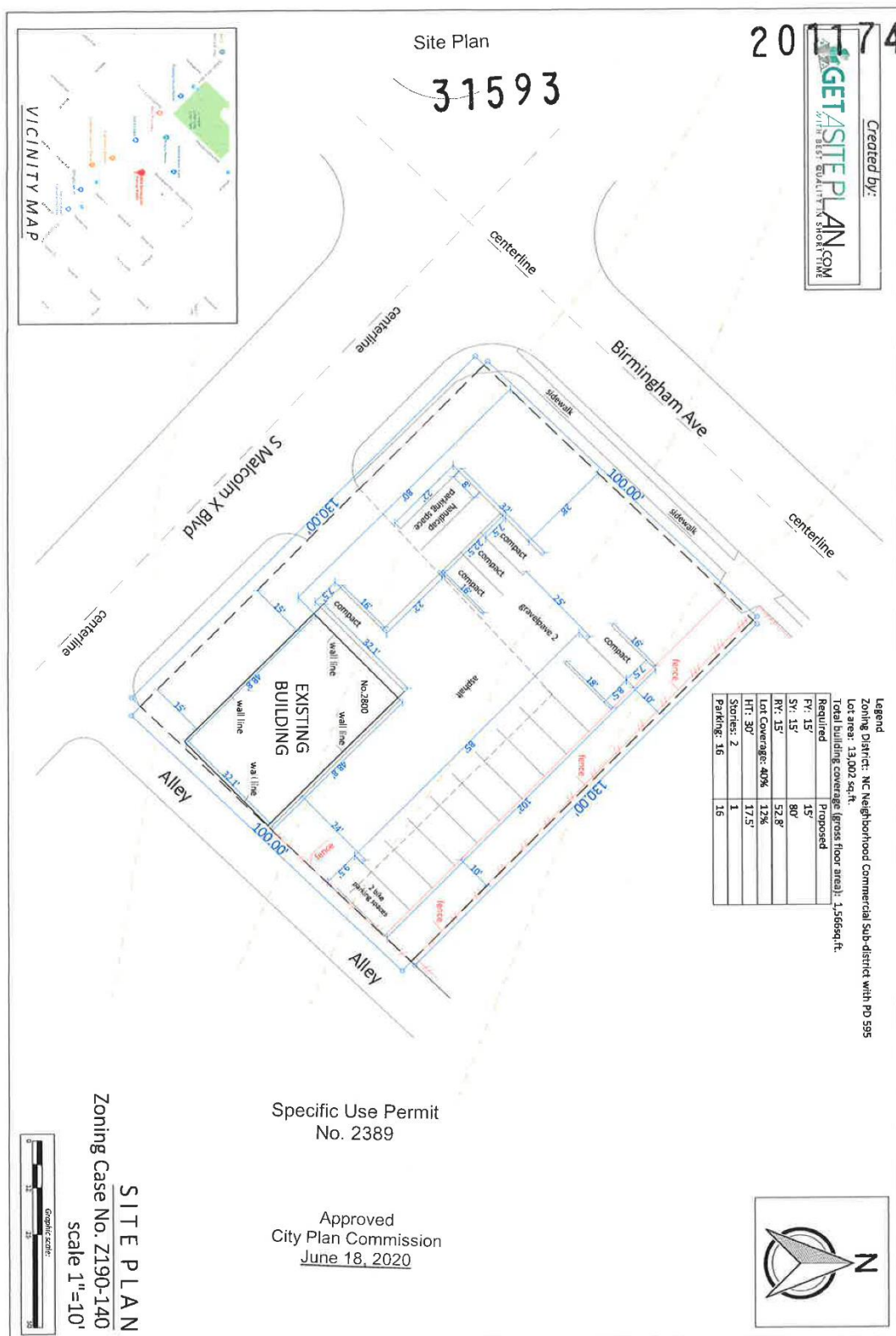
Notices:	Area: 200	Mailed: 29
Replies:	For: 0	Against: 0

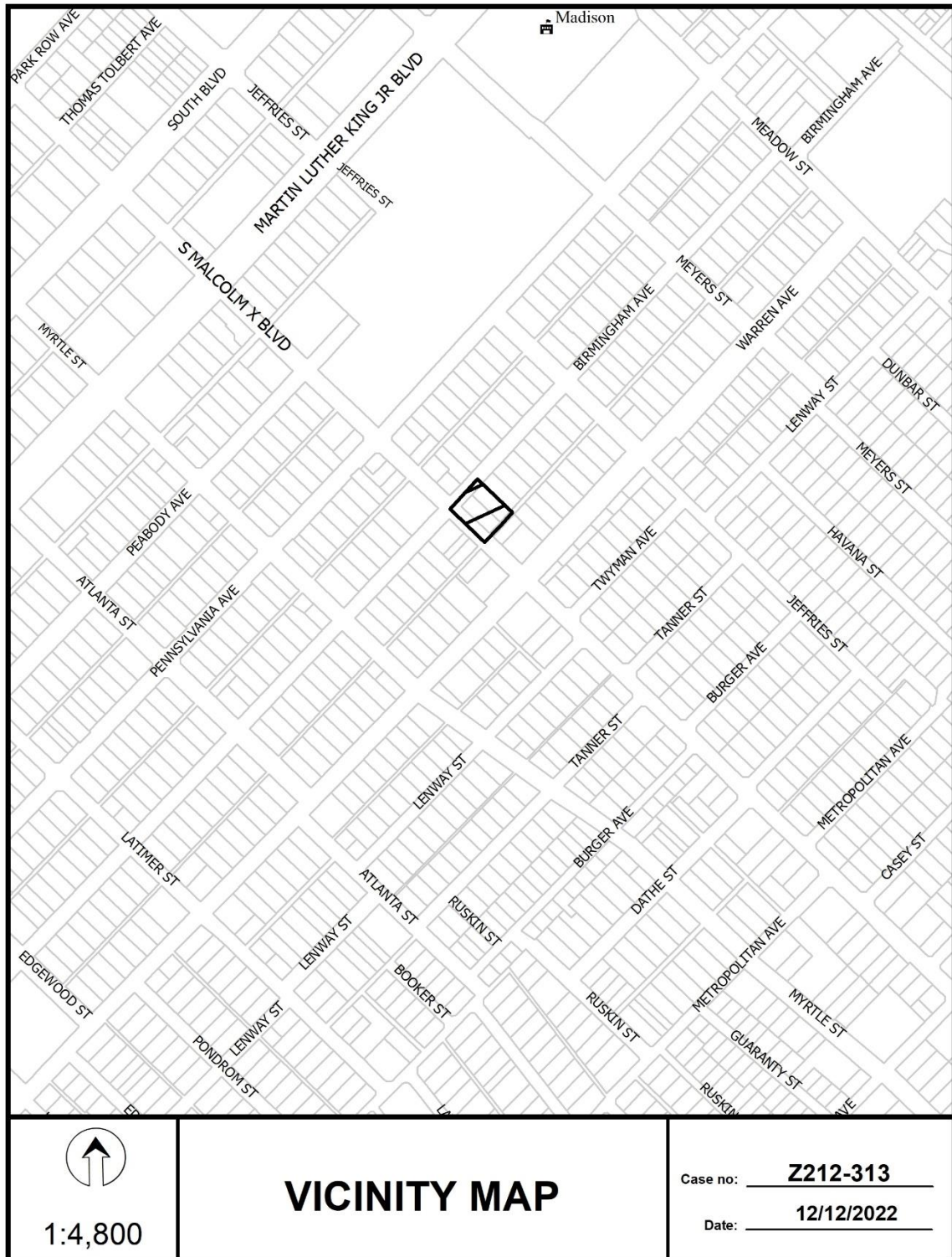
Speakers: For: None
For (Did not speak): Adina Starke, 2816 King Cole Dr., Dallas, TX, 75216
Against: None

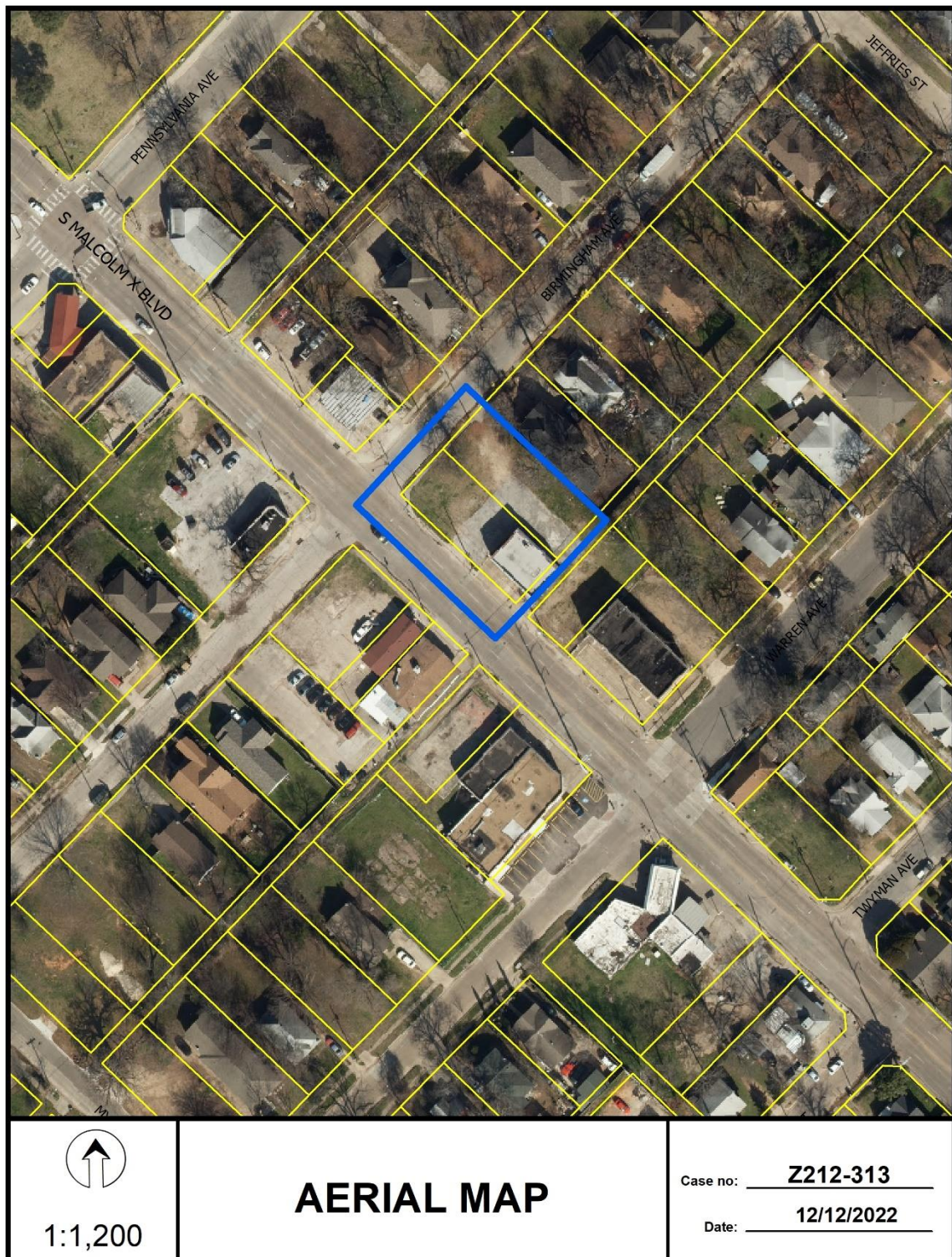
CPC RECOMMENDED CONDITIONS

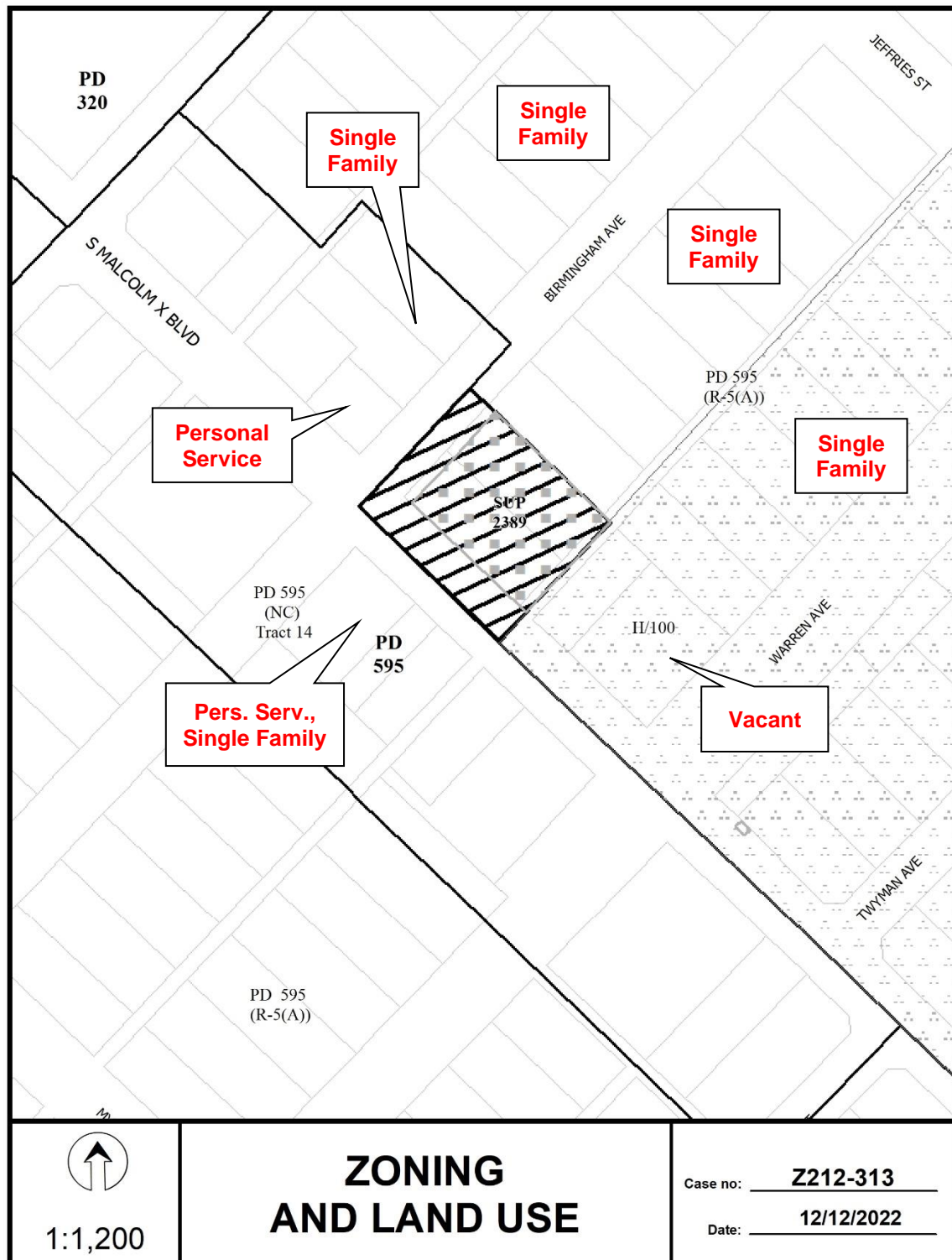
1. USE: Except for adult arcade, adult cabaret, adult theater, billiard hall, bowling alley, motor track, and skating rink, the only use authorized by this specific use permit is a commercial amusement (inside).
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on August 12, 2022 (three years from the passage of this ordinance).
4. FLOOR AREA: The maximum floor area of the commercial amusement (inside) is 1,566 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The commercial amusement (inside) may only operate between 8:00 a.m. and 10:00 p.m., Sunday through Thursday; and between 8:00 a.m. and 1:00 a.m. (the next day) on Friday and Saturday.
6. PARKING: Parking must be provided in the location shown on the attached site plan.
7. SCREENING: A solid screening fence must be maintained along the northeastern and southeastern Property lines in the location shown on the attached site plan.
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

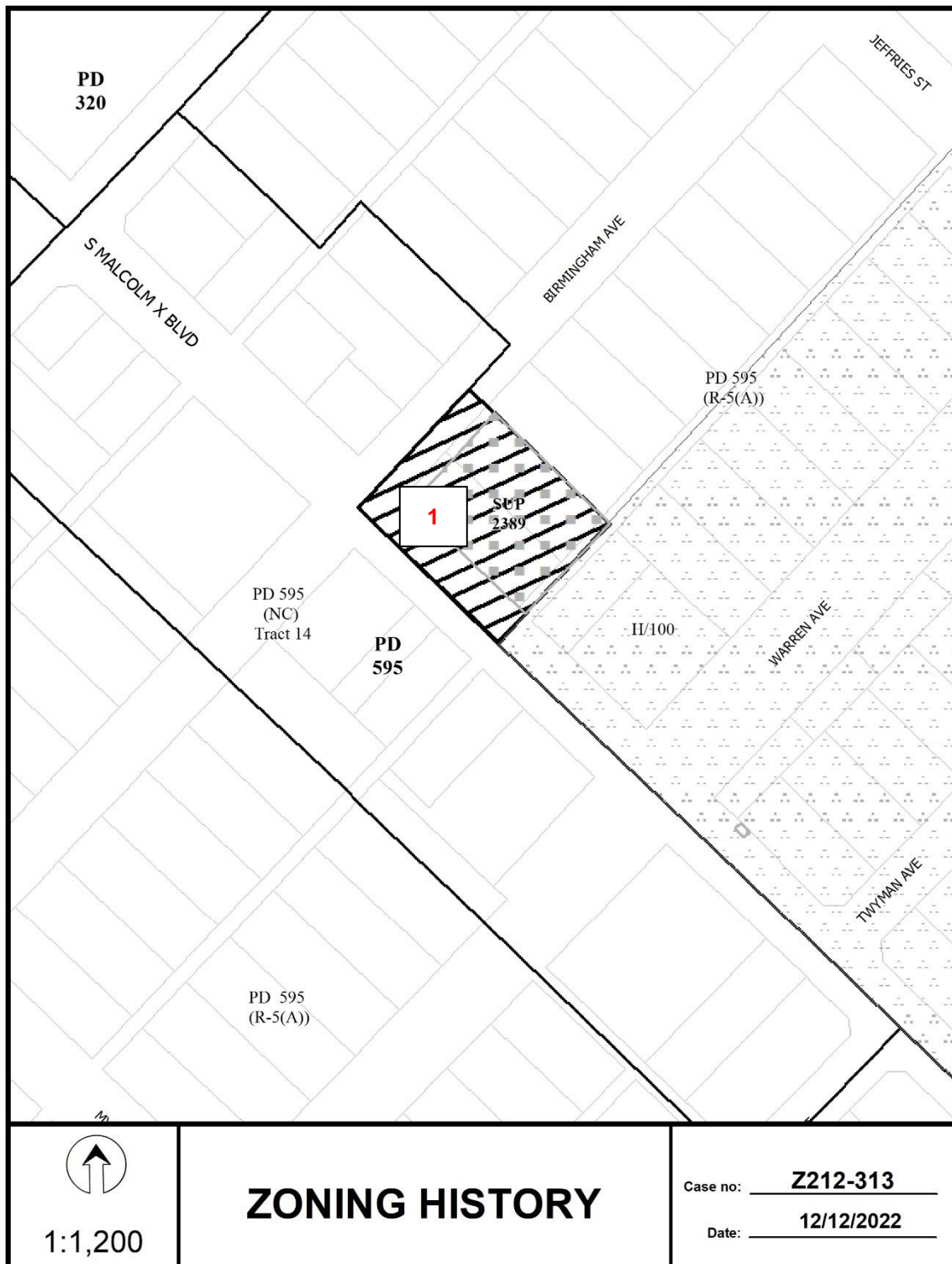
EXISTING SITE PLAN (NO CHANGES PROPOSED)

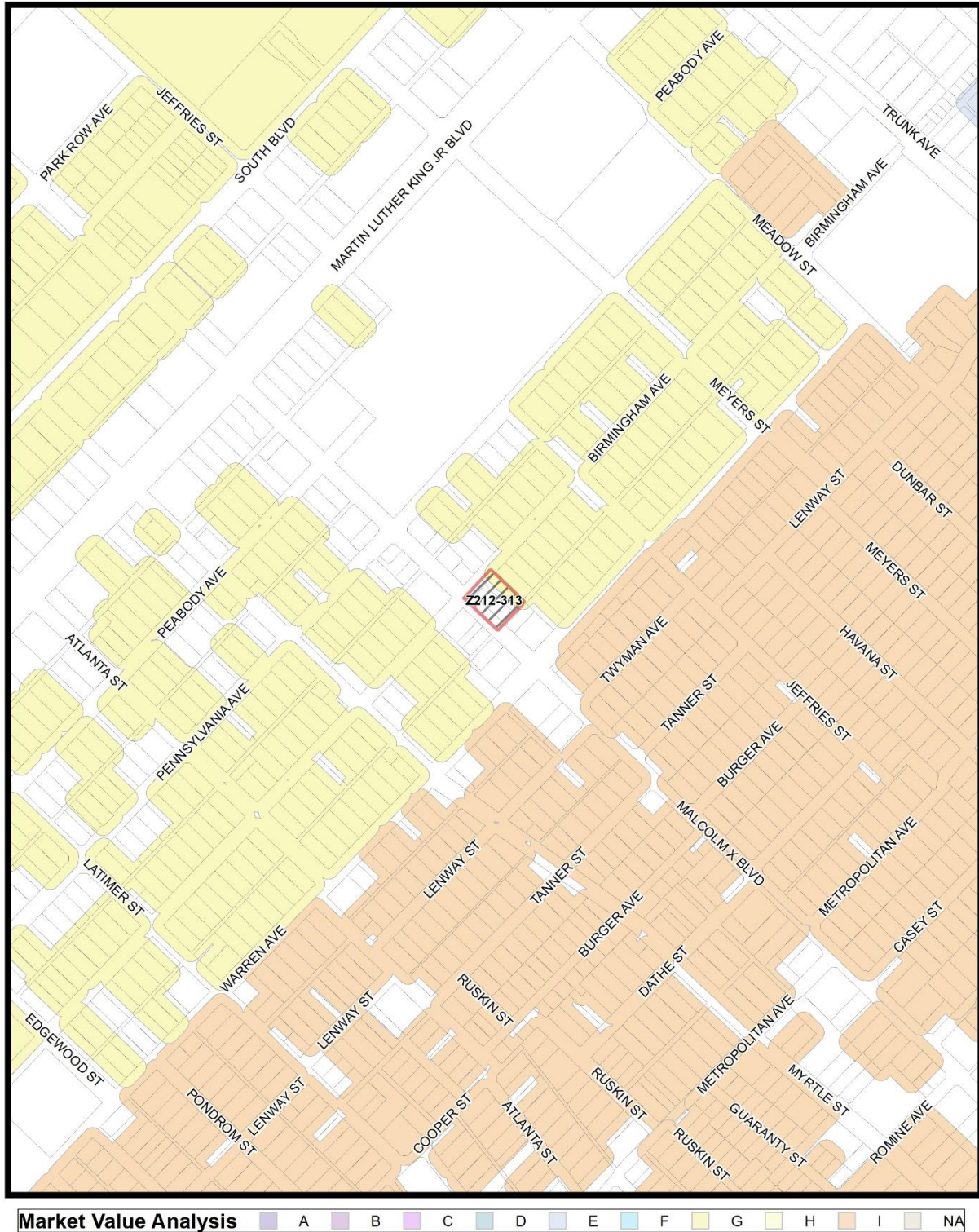












Market Value Analysis

Printed Date: 12/12/2022



01/18/2023

Reply List of Property Owners***Z212-313******29 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	3308	MALCOLM X BLVD	ENCHANTMENT STUDIOS LLC
2	3207	S MALCOLM X BLVD	SANTRUPT FAMILY IRREVOCABLE
3	2723	BIRMINGHAM AVE	SOLARES JUAN
4	3217	S MALCOLM X BLVD	BOGALE ABEBA W
5	2720	BIRMINGHAM AVE	INCLINE DEVELOPMENT GROUP INC
6	2724	BIRMINGHAM AVE	JAMES CLARESE
7	3301	S MALCOLM X BLVD	Taxpayer at
8	3307	S MALCOLM X BLVD	SUCASA REALPARAISO LLC
9	2721	WARREN AVE	AMINI MYLE
10	2727	WARREN AVE	2111 CARTWRIGHT LLC
11	3313	S MALCOLM X BLVD	BENSON KASINDA
12	3208	S MALCOLM X BLVD	Taxpayer at
13	2808	PENNSYLVANIA AVE	GALLARDO LUIS
14	2812	PENNSYLVANIA AVE	FORRESTER JAMES L
15	2801	BIRMINGHAM AVE	SCENIC MANAGEMENT LLC
16	2805	BIRMINGHAM AVE	CLEAN SOUTH DALLAS FAIR
17	2817	BIRMINGHAM AVE	RUTH PPTIES LLC
18	2821	BIRMINGHAM AVE	CHAPPELL TAWANDA
19	2810	BIRMINGHAM AVE	ESTRELLA MARIA G RAMIREZ
20	2812	BIRMINGHAM AVE	BLACK ISLAND LLC
21	2816	BIRMINGHAM AVE	L2K3 LLC
22	2820	BIRMINGHAM AVE	LEE WANDA
23	2824	BIRMINGHAM AVE	MINGO LTD
24	3312	S MALCOLM X BLVD	PURPOSE BUILDER & DEVELOPMENTS LLC
25	3316	S MALCOLM X BLVD	WATTS DAISY C
26	2815	WARREN AVE	RAMIREZLEDESMA ISAURA

Z212-313(RM)

01/18/2023

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2819	WARREN AVE	RAMIREZ CLARA
28	2821	WARREN AVE	RODRIGUEZ MARCELA & METODIA
29	2825	WARREN AVE	MOORE DEBORAH L